

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHIRLEY D. SPYCHALLA,

Plaintiff(s),

v.

MOTION HEARING

**BOEING AEROSPACE
OPERATIONS INC, et al. ,**

Case No. 11-C-497

Defendant(s).

HONORABLE WILLIAM C. GRIESBACH presiding
Deputy Clerk: Amanda
Proceeding Held: May 12, 2015

Tape: 051215
Hearing Began: 9:34 a.m.
Hearing Ended: 5:11 p.m.

Appearances:

Plaintiff(s): Robert McCoy, Michael Cascino

Defendant(s): Boeing Aerospace: Brian Gross,
Javier Flores and Lance Mueller
Cessna Aircraft: Brett Larsen and
Russell Klingaman
General Electric: Nora Gierke

Hearing on: Plaintiff's Motions: [143], [145], [146], [150]
Defendant Boeing Aerospace's Motions: [75], [82], [83], [86], [103], [122]
Defendant Cessna's Motions: [69], [72], [138]
Defendant General Electric's Motions: [84], [85], [87] [88], [89]

The Court opens and informs counsel that there will not be any rulings on the motions today. The Court would like to start the proceedings by first addressing the motions for summary judgment and the bare metal defense.

9:40 a.m. - Before presenting argument on the motion for summary judgment and the bare metal defense, Nora Gierke raises objections to Plaintiff's motions [143] and [146]; she argues that they should be denied.

9:43 a.m. - Robert McCoy responds to Ms. Gierke's objections.

9:48 a.m. - The Court and Mr. McCoy discuss the court's rules regarding motion practice.

The Court informs Ms. Gierke that she should make her argument as if GE's proposed findings are deemed uncontroverted. The Court will take into consideration Mr. McCoy's argument.

9:53 a.m. - Ms. Gierke presents argument on GE's motion for summary judgement [87].

10:24 a.m. - Ms. Gierke concludes. Brian Gross presents argument on Boeing's motion for summary judgment [103].

10:44 a.m. - Mr. Gross concludes. Brett Larsen presents argument on Cessna's motion for summary judgement [69]. Mr. Larsen also informs the Court that Cessna also objects to Plaintiff's motions [143]

and [146]. Mr. Larsen also asks the Court to grant motion [138] and strike the declaration of Rodney Doss.

11:09 a.m. - Mr. Larsen concludes.

11:10 a.m. - Mr. McCoy responds to all arguments presented regarding the pending motions for summary judgment.

11:34 a.m. - The Court asks counsel, would the case only survive if Wisconsin did not recognize the bare metal defense. Mr. McCoy responds.

11:59 a.m. - Court recesses.

1:08 p.m. - Court resumes. The Court asks to hear the replies to Mr. McCoy's response to the summary judgment motions.

1:08 p.m. - Ms. Gierke replies.

1:27 p.m. - Ms. Gierke concludes. Mr. Gross replies.

1:37 p.m. - Mr. Gross concludes. Mr. Larsen replies.

1:44 p.m. - Mr. Larsen concludes. Mr. McCoy responds.

1:49 p.m. - Mr. McCoy concludes. The Court would now like to address the Daubert issues, specifically addressing Steven Pascal.

1:50 p.m. - Mr. Gross presents argument on Mr. Pascal's written report and testimony, motion [86].

2:08 p.m. - Mr. Gross concludes. Mr. Larsen presents argument as to the reliability of Mr. Pascal's testimony.

2:11 p.m. - Mr. Larsen concludes. Mr. McCoy responds.

2:28 p.m. - Court recesses.

2:43 p.m. - Court resumes. Mr. Gross responds to Mr. McCoy's reply.

3:03 p.m. - The Court and Mr. McCoy discuss causation experts and occupational exposure.

3:08 p.m. - Ms. Gierke presents argument as to the causation experts, motions [84] and [88].

3:21 p.m. - Ms. Gierke concludes. Mr. McCoy responds.

3:32 p.m. - Mr. McCoy concludes. Mr. Gross presents argument as to motion [83].

3:36 p.m. - Mr. Gross concludes. Mr. McCoy responds to [83] and [88].

3:46 p.m. - Mr. McCoy concludes. Ms. Gierke responds. Mr. Larsen informs the Court that Cessna is in agreement with the arguments made by GE and Boeing.

3:50 p.m. - Mr. McCoy replies.

4:01 p.m. - Mr. Gross responds and addresses motion [82].

4:05 p.m. - Michael Cascino responds and reads excerpts from Dean Spychalla's deposition.

4:07 p.m. - Lance Mueller responds to Mr. Cascino.

4:11 p.m. - Mr. McCoy addresses the government contractor defense, motion [122].

4:13 p.m. - Mr. Gross responds suggesting to keep the protective order in place. Mr. McCoy continues. The Court asks Mr. Gross about specific sections in the contract. Mr. Gross responds.

4:19 p.m. - Mr. Larsen presents argument on motions [72] and [82].

4:36 p.m. - Mr. Larsen concludes. Mr. Flores presents argument on [82].

4:48 p.m. - Mr. Flores concludes. Ms. Gierke provides argument on [89].

4:55 p.m. - Ms. Gierke concludes. Mr. Cascino responds.

5:11 p.m. - Court concludes and takes these matters under advisement.